

HOFLAND & TOMSHECK

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PHILLIP ALLERSON VAUGHN

Defendant

Case No.: 2:15-cr-00078-JAD-NJK

STIPULATION AND ORDER TO
CONTINUE SENTENCING DATE,
(TENTH REQUEST)

IT IS HEREBY STIPULATED, by and between the UNITED STATES OF AMERICA, by and through Steven Myhre, United States Attorney, Dan Cowhig, Assistant United States Attorney, and Kathryn C. Newman, Assistant United States Attorney, and defendant, PHILLIP ALLERSON VAUGHN, by and through his attorney, Joshua Tomsheck, Esq., of the law firm of Hofland & Tomsheck, that the sentencing date in the above-captioned matter now scheduled for August 14, 2017 vacated and continued to a date and time convenient to the Court, no sooner than thirty (30) days beyond the current setting, in order for the Parties to have sufficient time to prepare for sentencing in this matter.

This is the TENTH request by the undersigned defense counsel for a continuance of the scheduled sentencing date, is made in good faith and not for the purpose of delay and comports with the good cause requirements of Fed. R. Crim.

1 P. 32(b)(2).

- 2 1. Counsel for the Defendant is appointed CJA counsel.
- 3 2. Counsel for the Government and Defendant are concerned that legal
4 issues arising out of the decision in USA v Johnson might prejudice the
5 Defendant and fail to meet the spirit of the negotiation if this case
6 proceeds to sentencing in its current posture.
- 7 3. Counsel for the Defendant is researching these matters and has
8 engaged the Government Counsel regarding a potential resolution to
9 protect the interests of the Defendant.
- 10 4. Counsel for the Government needs this additional time to finalize
11 preparation of additional information for this Court prior to sentencing.
- 12 5. Denial of this request for continuance would deny the parties herein
13 time and the opportunity to effectively and thoroughly prepare for the
14 sentencing hearing, taking into account the exercise of due diligence.
- 15 6. Additionally, denial of this request for continuance could result in a
16 miscarriage of justice.
- 17 7. For all of the above-stated reasons, the ends of justice would best be
18 served by a continuance of the sentencing date.
19

20 **STEVEN MYHRE**
21 United States Attorney

HOFLAND & TOMSHECK

22
23 /S/ D. Cowhig
24 **DAN COWHIG**
25 Assistant United States Attorney

/S/ J. Tomsheck
26 **JOSHUA TOMSHECK, ESQ**
27 Counsel for Defendant
28

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v

6
7 PHILLIP ALLERSON VAUGHN

8 Defendant

} Case No.: 2:15-cr-00078-JAD-NJK

} FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER

9
10 Based upon the pending Stipulation of the parties, and good cause appearing
11 therefore, the Court finds that:

12 The parties have stipulated to continue the sentencing hearing date as
13 presently scheduled.

14 This Court, being convinced that adequate showing has been made that
15 were this request for continuance to be denied, counsel would not have the
16 necessary time to effectively prepare for the sentencing hearing, taking into account
17 the exercise of due diligence, and a miscarriage of justice could result, based on the
18 following:

19 1. Counsel for the Defendant is appointed CJA counsel.
20 2. Counsel for the Government and Defendant are concerned that legal
21 issues arising out of the decision in USA v Johnson might prejudice the Defendant
22 and fail to meet the spirit of the negotiation if this case proceeds to sentencing in its
23 current posture.

24 3. Counsel for the Defendant is researching these matters and has
25 engaged the Government Counsel regarding a potential resolution to protect the
26 interests of the Defendant.

27 4. Counsel for the Government needs this additional time to finalize
28 preparation of additional information for this Court prior to sentencing.

1 5. Denial of this request for continuance would deny the parties herein time
2 and the opportunity to effectively and thoroughly prepare for the sentencing
3 hearing, taking into account the exercise of due diligence.

4 6. Additionally, denial of this request for continuance could result in a
5 miscarriage of justice.

6 7. For all of the above-stated reasons, the ends of justice would best be
7 served by a continuance of the sentencing date.

ORDER

IT IS HEREBY **ORDERED**, that the sentencing hearing currently scheduled for August 14, 2017, be vacated and continued to September 25, 2017 at the hour of 10:00 a.m.

DATED this 9th day of August, 2017.



United States District Court Judge